

REMARKS

N.B. Applicant respectfully submits that the Examiner **must consider** EP '138 which is listed in the IDS filed on May 8, 2001, because this reference was cited in a counterpart French Search Report indicating the degree of relevance (Category "A"), and return an initialed copy of the Form PTO-1449. **See MPEP §609.**

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, in view of the above corrective amendment to claim 1.

Applicant respectfully traverses the rejection of claims 1, 2, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by Schwenk '882 (**newly cited**).

Such a rejection requires that Schwenk '882 disclose, either expressly or inherently, each limitation/element of each of claims 1, 2, 6 and 8, or in other words, that each of these claims be readable on Schwenk's disclosure. **Clearly, such is not the case here.**

Schwenk '882 discloses, with reference to Fig. 6, a shock absorbing device that comprises members 100, 130, which are made from plastic, and a rigid section 170 which is made from metal. Foam blocks 180 and 190 are housed within the parts 100, 130 and 170. Metal straps 110 and 120 are embedded in the part 130. As stated in lines 35-43, column 7, of Schwenk, the metal straps 110 and 120 are bolted in the longitudinal direction of the bumper for supporting spring fingers 150 and 160.

The Examiner asserts that the part containing plate 120 forms the claimed "discrete regions" which are "set back from at least one outer edge of the body", and that the "blocks 100 envelop the outer edge in its set-back regions".

However, the part that contains the strap 120 does **not** define (plural) "notches which open in the outer edge", as now recited in claim 1.

Moreover, the blocks 100 do **not** extend through such "notches". In this respect, the Examiner's attention is drawn to the fact that Schwenk's reference numeral 120 designates a metal strap which is **not** "integral" moulded with part 100, as required by claim 1 (and new claim 9).

In addition, Schwenk's blocks 180 and 190 do **not** constitute "ribs" as recited in claims 1 and 9.

Furthermore, there would have been no motivation for one skilled in the art to provide "notches which open in the outer edge" instead of the groove receiving the metal strap 120, and the metal strap 120 could **not be "integral moulded"** with the plastic part 100.

Thus, since Schwenk clearly does **not disclose** each limitation/element of Applicant's independent claims 1 and 9, Schwenk is **incapable of anticipating** claim 1 (and any of its dependent claims including the rejected claims 1, 2, 6 and 8) and new claim 9, or in other words, none of these claims is readable, either expressly or inherently, on Schwenk's disclosure. Therefore, Applicant respectfully requests the Examiner to reconsider and **withdraw the rejection** under 35 U.S.C. § 102(b).

Applicant also respectfully traverses the rejection of claims 1, 5 and 7 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Goldbach (EP '342).

Goldbach (EP '342) discloses, with reference to Fig. 1, a structural member wherein reinforcing ribs 7 are fixed to a body 1 through holes 12. These holes 12 are spaced apart from the edges of the body 1, and, therefore, do not constitute the "set-back discrete regions" of an "outer edge" which "define notches" as required in claims 1 and 9. This is also true for Fig. 2 and Fig. 3 wherein the reference numerals 40 identify holes ("Durchbrüche", in German).

Therefore, the subject matter of each of claims 1 and 9 clearly is novel over Goldbach's disclosure.

Furthermore, the subject matter of claims 1, 5 and 7 (and 9) would not have been obvious from Goldbach.

Due to the claimed "notches" provided in the "outer edge", the claimed "structural member" is easier to manufacture since the ribs can be overmoulded on the body with simple moulds (see lines 9-20, page 1 of Applicant's specification).

Goldbach teaches only fixing holes 12 spaced apart from the edges of the body 1, and, in particular, provided in the bottom 15 of the body 1.

Therefore, one skilled in the art would **not** have been motivated by Goldbach's disclosure, at least not without hindsight (by the Examiner), to use Applicant's claimed "notches" in the "outer edges" for the purpose of fixing the ribs to the body.

Moreover, one skilled in the art would not, and could not, have contemplated such a change because he/she could **not** provide such notches in the bottom 15 of the body 1 where Goldbach has fixing means.

Therefore, since the above analysis shows why it would not have been (and could not have been) "obvious...to modify Goldbach" as proposed by the Examiner, Applicant respectfully requests the Examiner to reconsider and **withdraw** the rejection of claims 1, 5 and 7 under 35 U.S.C. § 103(a).

Applicant also respectfully traverses the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Schwenk '882.

Claim 3 (3/1) and claim 4 (4/3/1) are both dependent on the independent parent claim 1. Applicant has already explained above the deficiencies in Schwenk's disclosure which render Schwenk **incapable of anticipating** the independent parent claim 1. Of course, dependent claims 3 and 4 inherit the limitations of their parent claim 1, and are, Applicant respectfully submits, neither anticipated by, **nor rendered obvious** over, Schwenk's disclosure.

More specifically, Schwenk, as explained above, clearly does not disclose or even remotely suggest all of the limitations of parent claim 1, in particular the claimed "discrete regions...defining notches which open in the outer edge". Thus, even if one were "to modify Schwenk" as proposed by the Examiner, and even if this one were to take the same "Official Notice" taken by the Examiner, the subject matter of dependent claims 3 and 4 would not have been obvious from Schwenk's disclosure, and even if Schwenk's disclosure were modified as

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proposed by the Examiner, there would not be achieved the subject matter of dependent claims 3 and 4, or any subject matter which would have rendered obvious claims 3 and 4.

Therefore, Applicant also respectfully requests the Examiner to reconsider and withdraw the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Schwenk '882.

As already stated above, the above analyses explaining the novelty and non-obviousness of claim 1, with respect to both Schwenk and Goldbach, apply equally well to the new "method" claim 9.

In summary, then, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. §§ 112, 102 and 103(a), and to find the application to be in condition for allowance with all of claims 1-9; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees

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under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No.

Respectfully submitted,



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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) ~~Structural~~ A structural member (1) ~~of the type~~ comprising a body (2) with a cavity (3), and plastic reinforcing ribs (4) in the cavity (3), ~~and means (10, 12) for fixing the ribs (4) to the body (2), the member being characterized in that the fixing means comprise discrete regions (12) set back from the body having at least one outer edge which comprises set back discrete regions, said regions defining notches which open in the outer edge, the member further comprising (11) of the body (2), and blocks (10) that are part of the same moulding as integral moulded with the ribs (4), which the blocks (10) enveloping the outer edge (11) in its set-back regions (12) and extending through the notches.~~

2. (Amended) ~~Member~~ The member according to Claim 1, ~~characterized in that wherein~~ the set-back regions (12) have stepped shapes with angles (24, 27).

3. (Amended) ~~Member~~ The member according to Claim 1, ~~characterized in that wherein~~ the set-back regions have at least some parts (12, 26) that converge away from the body (2).

4. (Amended) ~~Member~~ The member according to Claim 3, ~~characterized in that wherein~~ the converging parts (12, 26) of the set-back regions are ~~basically~~ substantially trapezium-shaped.

5. (Amended) ~~Member~~ The member according to Claim 1, ~~characterized in that wherein~~ the set-back regions (12) are formed by cutouts in the body (2).

6. (Amended) ~~Member~~ The member according to Claim 1, ~~characterized in that the fixing means comprise discrete regions (12) set back from wherein the body has two outer edges (11) of the body (2) on both sides of the cavity (3) and the outer edges comprising set back discrete regions, said regions defining notches which open in the outer edges, the member further comprising blocks (10) that are part of the same moulding as integral moulded with the ribs, (4)~~

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~~and~~ the blocks enveloping the ~~two~~ outer edges ~~(11)~~ in their set-back regions ~~(12)~~ and extending through the notches.

7. (Amended) ~~Member~~ The member according to Claim 1, characterized in that the body (2) is made from a sheet of metal.

8. (Twice Amended) ~~Motor~~ A motor vehicle comprising a structural member according to claim 1.

Please add new claim 9.